

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTHONY D. JONES,

Plaintiff,

V.

STATE OF WASHINGTON,
DEPARTMENT OF CORRECTIONS, JOHN
ALDANA, D. WALLACE, DAN
PACHOLKE, LORI LAWSON,

Defendants.

No. C13-5084 RBL/KLS

ORDER TO AMEND OR SHOW CAUSE

Before the Court for review is Plaintiff's civil rights complaint (ECF No. 8) and proposed amended civil rights complaint (ECF No. 4). Plaintiff has been granted leave to proceed *in forma pauperis*. ECF No. 7. Before the Court can determine whether Plaintiff has presented a viable complaint, Plaintiff must advise the Court which complaint he intends to pursue. Plaintiff will not be allowed to file two complaints, even if the second complaint has been submitted as a supplement to the first. An amended complaint operates as a complete substitute for (rather than a mere supplement to) the present complaint. In other words, an amended complaint supersedes the original in its entirety, making the original as if it never existed. Therefore, reference to a prior pleading or another document is unacceptable – once Plaintiff files an amended complaint, the original pleading or pleadings will no longer serve any function in this case.

Plaintiff shall advise this Court **on or before April 19, 2013** as to the complaint he wishes this Court to review. If Plaintiff wishes to combine his complaints, he must submit an

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amended complaint which incorporates all of his factual allegations and causes of action and may file it **on or before April 19, 2013**. Upon receipt of Plaintiff's response and/or amended complaint, the Court will determine whether Plaintiff has stated a cause of action under 42 U.S.C. § 1983.

If Plaintiff decides to file an amended civil rights complaint in this action, he is cautioned that if the amended complaint is not timely filed or if he fails to adequately address the issues raised herein on or before **April 19, 2013**, the Court will recommend dismissal of this action as frivolous pursuant to 28 U.S.C. § 1915 and the dismissal will count as a “strike” under 28 U.S.C. § 1915(g). Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed on grounds they are legally frivolous, malicious, or fail to state a claim, will be precluded from bringing any other civil action or appeal in forma pauperis “unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

The Clerk is directed to send Plaintiff the appropriate forms for filing a 42 U.S.C. 1983 civil rights complaint and for service. The Clerk is further directed to send a copy of this Order and a copy of the General Order to Plaintiff.

DATED this 28th day of March, 2013.

Karen L. Strombom
Karen L. Strombom
United States Magistrate Judge

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